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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/867,508	05/29/2001	David Boreham	13220.0200001	7420

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EXAMINER

LU, KUEN S

ART UNIT	PAPER NUMBER
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2167

DATE MAILED: 04/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/867,508

Applicant(s)

BOREHAM ET AL.

Examiner

Kuen S Lu

Art Unit

2167

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,6,8,11 and 12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,6,8,11 and 12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendments

1. The Action is responsive to the Applicant's Amendments, filed on December 22, 2004. Noted is the amendments made to independent claims 1 and 6, and the original claims 2, 4-5, 7 and 9-10 are cancelled.

As to the declaration filed on August 24, 2004 under 37 CFR 1.131, deemed ineffective upon further consideration for the following reason:

The evidence submitted by applicants merely consists of a single sheet with everything blacked out except a date, a title and the names of the applicants.

Conception is the mental part of the inventive act but it must be capable of proof, as by drawings, complete disclosure to another person, etc. In *Mergenthaler v. Scudder*, 1897 C.D. 724, 81 O.G. 1417 (D.C. Cir. 1897), it was established that conception is more than a mere vague idea of how to solve a problem, the means themselves and their interaction must be comprehended also. MPEP 715.07.

With regard to diligence, where conception occurs prior to the date of the reference but reduction to practice is afterward, it is not enough merely to allege that applicant has been diligent, *Ex parte Hunter*, 1889 C.D. 218, 49 O.G. 733 (Comm'r Pat. 1889).

Rather, applicant must show evidence of facts establishing diligence For all the reasons discussed above, applicant's declaration of "the present invention was conceived prior to the effective 102 (a) date of iPlanet and subsequently constructively reduced to practice with due diligence exercised by the inventors" is not considered satisfactory evidence.

The delay in notification of the declaration's ineffectiveness is regretted. Further evidence clearly showing conception and reduction to practice occurs prior to the date of the reference and a clear indication of the Applicant's involvement in phases of the conception to reduction to practice would be favorably considered to overcome the reference. As such, this Office Action is made non-Final.

3. As for the Applicant's Remarks on claim rejections, filed on December 22, 2004, has been fully considered by the Examiner, please see discussion in the section ***Response to Arguments***, following the Office Action for non-Final Rejection.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claims 1, 3, 6, 8 and 11-12 are rejected under 35 U.S.C. 102(a) as anticipated by iPlanet Directory Server Administrator's Guide (Version 5.0, April 2001, Sun Microsystems, Inc., hereafter "iPlanet").

As per claims 1 and 6, iPlanet teaches the following:

"defining a plurality of entries in the directory server, wherein at least one the plurality of entries are associated with an enumerated role" (See Pages 39 and 156 wherein iPlanet's different types of entries are created and roles possessed by entries are determined is equivalent to Applicant's defining a plurality of entries in the directory server, wherein at least one the plurality of

entries are associated with an enumerated role);

“defining an enumerated role entry corresponding to the enumerated role, wherein the enumerated role entry comprises a plurality of group member attributes and the at least one of the plurality of entries is associated with at least one of the plurality of attributes” (See Pages 156, 154 and 158 wherein iPlanet’s creating groups, creating a managed roles and adding entries to the groups and roles is equivalent to Applicant’s defining an enumerated role entry corresponding to the enumerated role, wherein the enumerated role entry comprises a plurality of group member attributes and the at least one of the plurality of entries is associated with at least one of the plurality of attributes);

“determining which of the plurality of entries possess the enumerated role by querying the plurality of group member attributes in the enumerated role entry” (See Pages 154, 156, 160 and 161 wherein iPlanet’s modifying a role entry and editing the entries for viewing entries possessed by the role, creating and editing an entry’s roles for associating all roles to an entry, and assigning group values to entries for grouping the entries is equivalent to Applicant’s determining which of the plurality of entries possess the enumerated role by querying the plurality of group member attributes in the enumerated role entry); and

“providing the plurality of entries that possess the enumerated role to a client, wherein the at least one of the plurality of entries comprising the enumerated role is within a scope of the enumerated role entry” (See Pages 158 and 160 wherein iPlanet’s creating a managed role and assigning entries to the role and further allowing the roles of an entry be viewed and edited is equivalent to Applicant’s providing the plurality of entries

that possess the enumerated role to a client, wherein the at least one of the plurality of entries comprising the enumerated role is within a scope of the enumerated role entry).

As per claims 3 and 8, iPlanet teaches "rejecting the at least one of the plurality of entries that possess the enumerated role if the at least one of the plurality of entries possesses a nested role" (See Page 160 wherein iPlanet's viewing member roles of a nested role and removing a managed role from an entry is equivalent to Applicant's rejecting the at least one of the plurality of entries that possess the enumerated role if the at least one of the plurality of entries possesses a nested role).

As per claims 11 and 12, iPlanet teaches "the directory server support Light Weight Directory Access Protocol (LDAP)" (See Page 30 wherein iPlanet's configuring parameters for an LDAP is equivalent to Applicant's the directory server support Light Weight Directory Access Protocol (LDAP)).

Response to Arguments

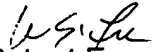
6. The Applicant's arguments filed on December 22, 2004 have been considered but they are moot on new grounds of rejection.

7. The prior art made of record


A. iPlanet Directory Server Administrator's Guide, Version 5.0, Sun Microsystems, Inc. Doc. ID 816-0799-01, April, 2001.

Conclusions

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kuen S Lu whose telephone number is 703-305-4894. The examiner can normally be reached on 8 AM to 5 PM, Monday through Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on 703-305-9790. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Kuen S. Lu

Patent Examiner

March 28, 2005


Luke Wassum

Primary Examiner

March 28, 2005